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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 9 March 2010 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ireland to the United Nations presents its compliments to the Chairman of the Committee and has the honour to transmit herewith two national reports by Ireland (see annex):

(a) The first report responds to Security Council resolutions 1737 (2006) and 1747 (2007);

(b) The second report responds to Security Council resolution 1803 (2008).

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Annex to the note verbale dated 9 March 2010 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

National report by Ireland to the Security Council Committee established pursuant to resolution 1737 (2006)

I. Security Council resolutions 1737 (2006) and 1747 (2007)

Pursuant to paragraph 19 of Security Council resolution 1737 (2006) and paragraph 8 of resolution 1747 (2007), Ireland submits to the Committee the following information concerning the steps taken by Ireland and the European Union to implement effectively the provisions of resolutions 1737 (2006) and 1747 (2007).

European Union implementation measures

Ireland, as a member State of the European Union, implements the provisions of the above-mentioned resolutions by means of common instruments. Within the framework of the European Union's Common Foreign and Security Policy, the resolutions are transposed via common positions which require further national implementing measures and Council or Commission regulations which are binding in their entirety and directly applicable in all member States of the European Union.

The European Union has implemented the provisions of Security Council resolutions 1737 (2006) and 1747 (2007) by adopting the following instruments:

(a) Common Position 2007/140/CFSP concerning restrictive measures against Iran;

(b) Council Regulation (EC) No. 423/2007, which implements this Common Position;

(c) Common Position 2007/246/CFSP amending Common Position 2007/140/CFSP concerning restrictive measures against Iran;

(d) Commission Regulation 441/2007 amending Council Regulation (EC) No. 423/2007.

National legislation and measures taken by Ireland

The above-mentioned Council and Commission regulations are binding in their entirety and directly applicable in Ireland. In addition, Ireland implements its obligations as set out in the relevant paragraphs of Security Council resolutions 1737 (2006) and 1747 (2007) through its existing national legislation, in particular the European Communities Act, 1972, statutory instruments and measures taken by the Government of Ireland and national authorities.

Trade restrictions with Iran: ban on export and procurement of heavy weapons and related items, and dual-use goods and technology

Statutory Instrument No. 482 of 2009 "European Communities (Restrictive Measures) (Iran) (Amendment) Regulations 2009" provides for penalties for the infringement of the trade-related aspects of Council Regulation (EC) No. 423/2007,

as amended by Council Regulation (EC) No. 618/2007, Commission Regulation (EC) No. 116/2008, Commission Regulation (EC) No. 219/2008 and Council Regulation (EC) No. 1110/2008. Council Regulation (EC) No. 423/2007, as amended, provides for restrictions on the sale, supply, transfer or export of goods and technology which could contribute to Iran's enrichment-related, reprocessing or heavy-water-related activities or to the development of nuclear weapons delivery systems. It also bans the provision of technical assistance, brokering services and investment related to, and the procurement of, such goods and technology from Iran.

In addition to the specific legal instruments giving effect to the trade restriction aspects of the Iran sanctions, a number of legal instruments have been made under the Control of Exports Act 2008 which control the export of certain classes of goods and technology. In this regard, it is worth noting the Control of Exports (Goods and Technology) Order 2009, which provides that goods and technology on the European Union Common Military List cannot be exported "save under and in accordance with a licence". It is also worth noting the Control of Exports (Dual Use Items) Order 2009, which provides for penalties and enforcement in Irish law of Council Regulation (EC) No. 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. In making this Order, Ireland extended brokering controls to items not listed in annex I to the European Union Dual-Use Regulation if they are to be used in connection with weapons of mass destruction or missiles capable of delivering such weapons, or for a military end-use in a country which is subject to an arms embargo. Ireland also provided for controls on the transit of non-Community dual-use goods if the items are, or may be intended for use in connection with, weapons of mass destruction or missiles capable of delivering such weapons. Statutory Instrument No. 481 of 2008 "European Communities (Restrictive Measures) (Iran) (Amendments)" is the relevant secondary national legislation which prohibits the export and transit of all military equipment and dual-use goods to Iran.

Assets freeze, ban on financial assistance and other financial measures

Financial measures as provided for in Security Council resolutions 1737 (2006) and 1747 (2007) are given effect by The Financial Transfers Act, 1992, Statutory Instrument No. 160 of 2009 "Financial Transfers (Iran) (Prohibition) Order 2009" and Statutory Instrument No. 161 of 2009 "European Communities (Iran) (Financial Sanctions) Regulations 2009".

The Central Bank and Financial Services Authority of Ireland is permitted to give direction to service providers on the restrictive measures and to require compliance with such direction.

The Government of Ireland has no commitments to the Government of the Islamic Republic of Iran for grants, financial assistance or loans.

Travel restrictions

The Department of Justice, Equality and Law Reform and the Garda Síochána, in conjunction with the Department of Foreign Affairs, which has responsibility for the security and administration of the State's visa and immigration services and the control of entry to the State, supports the implementation of the travel restrictions set forth in Security Council resolutions 1737 (2006) and 1747 (2007).

II. Security Council resolution 1803 (2008)

The implementation by Ireland of restrictive measures against Iran imposed by Security Council resolutions 1737 (2006), 1747 (2007) and 1803 (2008) is based both on measures adopted by the European Union and on national measures.

As stated above, Ireland, as a member State of the European Union, implements the provisions of Security Council resolutions that fall within the scope of the competence of the European Union by means of European Union common positions and European Union Council regulations, the latter being directly applicable in Ireland. Pursuant to paragraph 13 of resolution 1803 (2008), Ireland submits to the Committee the following information concerning the steps taken by Ireland and the European Union to implement effectively the provisions of resolution 1803 (2008).

European Union implementation measures

Ireland, as a member State of the European Union, implements the provisions of the above-mentioned Security Council resolutions by means of common instruments. Within the framework of the European Union's Common Foreign and Security Policy, the resolutions are transposed via common positions which require further national implementing measures, and Council or Commission Regulations which are binding in their entirety and directly applicable in all member States of the European Union.

The European Union has implemented the provisions of Security Council resolution 1803 (2008) by adopting the following instruments:

Following the adoption of Security Council resolution 1803 (2008), the Commission of the European Union adopted Commission Regulation (EC) No. 219/2008 of 11 March 2008 amending Council Regulation (EC) No. 423/2007 concerning restrictive measures against Iran, which amended the list of persons and entities to whom the freezing of funds and economic resources should apply in accordance with Council resolution 1803 (2008). In order to jointly implement resolution 1803 (2008) within the European Union, the Council of the European Union adopted Common Position 2008/479/CFSP of 23 June 2008, which modifies Common Position 2007/140/CFSP, in order to give effect to the additional measures imposed by resolution 1803 (2008), and adopted Council Decision 2008/475/EC of 23 June 2008, which amended Council Regulation (EC) No. 423/2007 of 19 April 2007 by replacing the text in its annex V.

The European Union also adopted Common Position 2008/652/CFSP of 7 August 2008 amending Common Position 2007/140/CFSP concerning restrictive measures against Iran, which gives effect to measures imposed by Security Council resolution 1803 (2008) and contains additional restrictive measures of the European Union.

National legislation and measures taken by Ireland

The above-mentioned Council regulations are binding in their entirety and directly applicable in Ireland. In addition, Ireland implements its obligations as set out in the relevant paragraphs of Security Council resolution 1803 (2008) through its existing national legislation, in particular the European Communities Act (1972),

the Financial Transfers Act (1992), Statutory Instrument No. 160 of 2009 "Financial Transfers (Iran) (Prohibition) Order 2009" and Statutory Instrument No. 161 of 2009 "European Communities (Iran) (Financial Sanctions) Regulations 2009".

The Central Bank and Financial Services Authority of Ireland is permitted to give direction to service providers on the restrictive measures and to require compliance with such direction.

The Government of Ireland has no commitments to the Government of the Islamic Republic of Iran for grants, financial assistance or loans.